

August 30, 2017

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re:** Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84

Dear Ms. Dortch:

On August 28, 2017, Harold Feld and Yosef Getachew of Public Knowledge, Debbie Goldman of the Communications Workers of America, and Regina Costa on behalf of the National Association of State Utility Advocates, met with Claude Aiken, Legal Adviser to Commissioner Clyburn, with regard to the above captioned proceeding.

The meeting participants urged the Commission to maintain its current copper retirement and notification rules, and preserve the Functional test as required by Section 214(a) of the Communications Act. Copper networks have served as the backbone of the nation's communication system for decades. Despite the transition to fiber and wireless networks, the Commission's most recent data shows that almost half of all businesses and nearly twenty percent of consumers nationwide rely on an incumbent carriers' switched access line for service.<sup>1</sup>

The meeting participants expressed their concern that the record in the proceeding does not support the Commission's presumptive conclusion that streamlining the copper retirement and notification rules would accelerate wireline broadband deployment and the Commission neither articulates a policy justification nor conducts an economic analysis to warrant its proposals. The Commission should also retain *de facto* retirement as part of its copper retirement definition to protect consumers during the transition from copper to fiber networks and incentivize providers to upgrade their networks.

The meeting participants expressed concern over the Commission's Request for Comment to eliminate the Functional test as required by Section 214(a), reiterating their arguments that the use of the term "service" under Section 214(a) has long been understood to extend beyond the four corners of the tariff both from statutory interpretation and the practical application of

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<sup>1</sup> See FCC, Voice Telephone Services: Status as of June 30, 2016, Industry Analysis and Technology Division Wireline Competition Bureau (April 2017), [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-344500A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DOC-344500A1.pdf). A state-by-state breakdown of consumers and businesses that connect to an ILEC's switched access line is attached to this letter.

Section 214. When interpreting Section 214(a) including in previous discontinuance proceedings, the Commission has consistently interpreted the term “service” to mean the subject of public convenience and necessity, not merely those services defined by the tariff.

The meeting participants reiterated the dangers of streamlining the copper retirement and service discontinuance rules as evidenced by the destruction Hurricane Sandy caused to Verizon’s copper network on Fire Island, NY.<sup>2</sup> Due to the storm, Verizon replaced its copper network with VoiceLink. Many essential services such as credit card readers, fax machines, and alarm systems did not reliably work despite the expectation of consumers and small businesses. The meeting participants expressed that the current rules allow the Commission to ensure that communities who have lost landline service due to the destruction caused by Hurricane Harvey are not left with a substitute service that do not meet their needs.

Next-generation network technologies can bring a variety of benefits to consumers, but efforts to streamline broadband deployment should not come at the expense of consumer education, protection, and local choice.

Respectfully submitted,

/s/ Yosef Getachew  
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Cc: Claude Aiken

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<sup>2</sup> See *Technology Transitions et al*, Notice of Proposed Rulemaking and Declaratory Ruling, 29 FCC Rcd 14968, 14970 para. 4 (discussing Verizon’s proposal to replace copper services with wireless services after Hurricane Sandy); see also Public Knowledge, *The Phone Network: Lessons From Fire Island*, [https://www.publicknowledge.org/assets/uploads/documents/Lessons\\_from\\_Fire\\_Island\\_One-Pager.pdf](https://www.publicknowledge.org/assets/uploads/documents/Lessons_from_Fire_Island_One-Pager.pdf).

## Local exchange telephone service subscribers (000s)

Source: FCC, Voice Telephone Services as of 6/30/16 (released 4/17) <https://www.fcc.gov/voice-telephone-services-report> (for ILEC data); Census Bureau (for household numbers)

	ILEC Switched Access Lines				
	Consumer	Business & Govt	Total	ILEC Bus & Govt Switched Access Lines as % of All Bus & Govt Wired Lines	ILEC Consumer Switched Access Lines as % of All Households
Alabama	401	305	706	47%	20%
Alaska	76	114	190	68%	29%
Arizona	426	381	807	31%	16%
Arkansas	263	205	468	52%	22%
California	2,455	3,679	6,134	49%	18%
Colorado	485	370	855	35%	22%
Connecticut	279	291	570	38%	20%
Delaware	62	82	144	40%	16%
DC	57	315	372	60%	18%
Florida	1,282	1,296	2,578	39%	16%
Georgia	728	724	1,452	41%	18%
Hawaii	141	120	261	66%	30%
Idaho	151	121	272	52%	23%
Illinois	800	1,459	2,259	61%	16%
Indiana	513	468	981	48%	19%
Iowa	385	241	626	48%	30%
Kansas	197	184	381	40%	17%
Kentucky	471	322	793	54%	25%
Louisiana	320	314	634	44%	17%
Maine	175	96	271	45%	29%
Maryland	406	631	1,037	50%	18%
Massachusetts	429	564	993	38%	16%
Michigan	516	610	1,126	43%	13%
Minnesota	639	339	978	31%	29%
Mississippi	198	195	393	55%	17%
Missouri	540	419	959	48%	22%
Montana	138	83	221	57%	32%
Nebraska	188	161	349	42%	26%
Nevada	249	200	449	40%	22%
New Hampshire	128	83	211	30%	25%
New Jersey	510	758	1,268	38%	15%
New Mexico	221	149	370	55%	28%
New York	1,202	1,549	2,751	38%	15%
North Carolina	956	672	1,628	47%	24%

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	ILEC Switched Access Lines				
	Consumer	Business & Govt	Total	ILEC Bus & Govt Switched Access Lines as % of All Bus & Govt Wired Lines	ILEC Consumer Switched Access Lines as % of All Households
North Dakota	102	67	169	59%	31%
Ohio	915	840	1,755	46%	20%
Oklahoma	266	244	510	46%	17%
Oregon	356	234	590	35%	22%
Pennsylvania	1,304	995	2,299	43%	25%
Rhode Island	61	58	119	27%	14%
South Carolina	448	310	758	43%	22%
South Dakota	104	70	174	38%	29%
Tennessee	492	377	869	37%	18%
Texas	1,381	1,814	3,195	42%	14%
Utah	182	165	347	34%	18%
Vermont	119	61	180	48%	45%
Virginia	688	703	1,391	42%	21%
Washington	613	456	1,069	38%	22%
West Virginia	263	170	433	63%	35%
Wisconsin	562	495	1,057	54%	24%
Wyoming	52	60	112	62%	22%
<b>TOTAL</b>	<b>24,336</b>	<b>24,764</b>	<b>49,100</b>	<b>44%</b>	<b>19%</b>